

IC 31-37-8

Chapter 8. Information About Delinquent Children, Investigation, and Preliminary Inquiry

IC 31-37-8-1

Receipt and forwarding of information concerning delinquent child; preliminary inquiry

Sec. 1. (a) A person may give an intake officer or a prosecuting attorney written information indicating that a child is a delinquent child.

(b) If the information is given to the intake officer, the intake officer shall immediately forward the information to the prosecuting attorney.

(c) If the prosecuting attorney has reason to believe the child has committed a delinquent act, the prosecuting attorney shall instruct the intake officer to make a preliminary inquiry to determine whether the interests of the public or of the child require further action.

As added by P.L.1-1997, SEC.20.

IC 31-37-8-2

Contents of preliminary inquiry

Sec. 2. A preliminary inquiry is an informal investigation into the facts and circumstances reported to the court. Whenever practicable, the preliminary inquiry should include information on the child's:

- (1) background;
- (2) current status; and
- (3) school performance.

As added by P.L.1-1997, SEC.20.

IC 31-37-8-3

Notice of conduct and nature of preliminary inquiry

Sec. 3. If a parent, guardian, or custodian of a child seeks information concerning a preliminary inquiry, the person shall be notified:

- (1) whether a preliminary inquiry is being made; and
- (2) if so, the nature of the inquiry.

As added by P.L.1-1997, SEC.20.

IC 31-37-8-4

Advisement required for child interview

Sec. 4. If a child interview occurs, the intake officer shall advise the child and the child's parent, guardian, or custodian of the following:

- (1) The nature of the allegations against the child.
- (2) That the intake officer is conducting a preliminary inquiry to assist the prosecuting attorney in determining whether a petition should be filed alleging that the child is a delinquent child.
- (3) That the intake officer will recommend whether to:
 - (A) file a petition;

- (B) informally adjust the case;
- (C) refer the child to another agency; or
- (D) dismiss the case.
- (4) That the child has a right to remain silent.
- (5) That anything the child says may be used against the child in subsequent judicial proceedings.
- (6) That the child has a right to consult with an attorney before the child talks with the intake officer.
- (7) That the child has a right to stop at any time and consult with an attorney.
- (8) That the child has a right to stop talking with the intake officer at any time.
- (9) That if the child cannot afford an attorney, the court will appoint an attorney for the child.

As added by P.L.1-1997, SEC.20.

IC 31-37-8-5

Provision of copies of preliminary inquiry and recommendation

Sec. 5. (a) The intake officer shall do the following:

- (1) Send the prosecuting attorney a copy of the preliminary inquiry if the case involves an allegation that the child committed an act that would be a crime if committed by an adult.
- (2) Send to:
 - (A) the prosecuting attorney; or
 - (B) the attorney for the county office of family and children;a copy of the preliminary inquiry if the case involves an allegation that the child committed a delinquent act that would not be a crime if committed by an adult.
- (3) Recommend whether to:
 - (A) file a petition;
 - (B) informally adjust the case;
 - (C) refer the child to another agency; or
 - (D) dismiss the case.

(b) The prosecuting attorney and the court may agree to alter the procedure described in subsection (a).

As added by P.L.1-1997, SEC.20.

IC 31-37-8-6

Decision whether to file petition

Sec. 6. The person who represents the interests of the state and who receives the preliminary inquiry and recommendations shall decide whether to file a petition. This decision is final only for the office of the person making the decision.

As added by P.L.1-1997, SEC.20.